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Introduction

The Office of Solid Waste and Emergency Response (OSWER) is the national program manager for a wide variety of land-based and community-based programs.

OSWER is responsible for the Superfund Removal and Remedial programs, the Resource Conservation and Recovery Act program, the Brownfields program, the Underground Storage Tank program, the Emergency Response and Management program and the Federal Facility Oversight program. OSWER also collaborates with other agency programs on cross-media issues to address environmental concerns as One EPA.¹

OSWER's National Areas of Focus

OSWER's areas of focus for the next two fiscal years support two overall themes: (1) Doing Business Differently: More Effectively and with Greater Transparency; and (2) Leveraging Private and Public Sector Partnership and Resources. By making a visible difference in communities we improve conditions in environmentally overburdened and underserved communities. By advancing Superfund cleanups, we protect the American public and the nation's resources. By supporting sustainable materials management and Brownfields area-wide planning, we build synergies with our partners encouraging resource conservation and locally-driven revitalization choices.

OSWER's National Areas of Focus for FYs 2016-2017:

Doing Business Differently: More Efficiently and with Greater Transparency

- **Making a Visible Difference in Communities** – Coordinating and leveraging resources, tools and expertise across agency, state, tribal, local government and community programs to better serve environmentally overburdened and underserved communities.
- **Implementing OSWER's Climate Change Adaptation Plan** – Anticipating future changes in the climate and incorporating climate considerations into strategies to meet critical mission needs.
- **Advancing Superfund Remedial Cleanup** – Addressing highest risk sites first while emphasizing efficient use of resources and completing projects already underway throughout the response process.
- **E-Manifest System and E-Enterprise** – Transforming and modernizing the flow of information between the EPA and its stakeholders.

Leveraging Private and Public Sector Partnership and Resources

- **Sustainable Materials Management** – Fostering a life-cycle approach highlighting

¹ Additional information concerning the United States Environmental Protection Agency's guidances is described in the [EPA's Overview to the NPM Guidances](#). This overview includes agency-wide information and applicable requirements critical to effectively implementing the EPA's environmental programs during FYs 2016-2017 and should be viewed in conjunction with this guidance.

waste materials as commodities that can be utilized to grow key industries and associated jobs.

- **Chemical Risk Management** – Making steady progress with improving chemical plant safety and security and with improving community and public awareness.
- **Brownfields Area-Wide Planning** – Enabling community-level reuse planning for targeted areas that are affected by a single large, or multiple, brownfield site(s).

Consistent with Section V of EPA’s Overview to the FY 2016-2017 NPM Guidances, Appendix V of this NPM Guidance identifies and describes projects that OSWER is leading, supporting, or evaluating. These are current examples of priority activities — at different stages of definition and progress – which align with the E-Enterprise goals.² Over the period of this NPM Guidance, we will complete some of these activities, substantially modify others, and develop and implement new projects. OSWER encourages states, tribes and other offices to coordinate with or participate in these projects where they see complementary priorities, processes or objectives. Additional detail concerning OSWER’s efforts in this important area can be found under the National Area of Focus, “E-Manifest and E-Enterprise,” on pages 14-15 of this guidance.

New, Two-Year Guidance Covering Fiscal Years 2016-2017

As a result of a collaborative effort with state, local and tribal partners, OSWER and the other EPA program managers are issuing two-year guidances beginning with the FY 2016-2017 cycle. The two-year guidance cycle aligns better with multi-year, state grant work planning schedules. OSWER’s FY 2016-2017 guidance also addresses relevant priorities and activities identified by our partners during our early engagement on priority-setting last summer.

OSWER works with the EPA’s other headquarters media program offices and with the ten regional offices, states, tribes and other partners, to achieve its national goals. Regional offices also undertake efforts with our partners to address region-specific environmental conditions or concerns, often with constrained budgets. OSWER recognizes these challenges and strives to provide flexibility and support for regional strategies that align with our shared priorities and goals. Further, delegated or authorized state and tribal agencies that are facing resource constraints may raise specific activities for discussion with the appropriate senior EPA regional manager(s) when developing their grant work plans. The appropriate OSWER Office Director will be ready to assist should regional management wish to discuss state, tribal or local issues.³

² See “About E-Enterprise for the Environment” at: <http://www2.epa.gov/e-enterprise/about-e-enterprise-environment>

³ For more information about seeking programmatic flexibility within Performance Partnership Grants, and the benefits of these grants generally, please see EPA’s *Best Practices Guide for Performance Partnership Grants with States* at http://www.epa.gov/ocir/nepps/pdf/2014_best_practices_guide_for_ppg_with_states.pdf

National Areas of Focus

Doing Business Differently; More Efficiently and with Greater Transparency

Making a Visible Difference in Communities

Description: *Making a Visible Difference in Communities* is a Cross-Agency Strategy in EPA's FY 2014-2018 Strategic Plan. OSWER has made great strides working with the regions to improve environmental outcomes in communities across the country through our national programs and collaboration with other agencies. Since 2010, OSWER has updated and developed community engagement tools and processes through the Community Engagement Initiative and has developed an internal, on-line Community Engagement Network to help regions and staff to effectively support communities. OSWER is now strategically focusing its efforts on overburdened and underserved communities to help lay the framework to better serve and make a visible difference for all communities. In support of the Cross-Agency Strategy, OSWER is leading and helping to facilitate the following cross-agency efforts:

- Provide coordinated and targeted technical expertise and resources to environmentally overburdened, underserved, and economically distressed communities.
- Create a single agency-wide community resource network, with representation from programs and regions.

OSWER is well positioned to coordinate and leverage program resources, tools and expertise to support overburdened communities, and to build upon ongoing community networking efforts to develop an agency-wide Community Resource Network (Network) as part of the Cross-Agency Strategy.

Activities:

Headquarters and regions

- Regions and OSWER programs will provide coordinated and targeted support to environmentally overburdened, underserved, and economically distressed communities by leveraging available technical assistance, on-the-ground work, program initiatives and staff expertise in collaboration with other agency NPMs and federal programs.
- OSWER will lead the development of an agency-wide Network with other NPMs and regions, hosted on the agency's SharePoint networking platform. Regions and OSWER programs will promote involvement of staff by: allowing staff to be part of the national team of network managers; posting and updating community project information and results; sharing best practices and success stories; initiating and joining discussions on community engagement strategies and

challenges; highlighting expertise and collaborating on community projects; and actively participating in other Network activities.

Regions and OSWER programs will focus Network efforts to:

- support annual action plans for the Cross-Agency Strategy, and promote associated community projects, resources, strategies and lessons learned;
- effectively share lessons learned from program and regional community work, and identify practices and tools that should be replicated and potentially scaled-up for expanded use; and
- make recommendations to senior management, as appropriate, to identify and align, with modification if needed, community-focused resources (including grants) from across the agency in order to make them more accessible and useful to communities.

IMPLEMENTING OSWER'S CLIMATE CHANGE ADAPTATION PLAN

Description: OSWER recognizes that anticipating and planning for future changes in the climate and incorporating climate considerations into its programs and operations is critical to achieving its mission and fulfill its statutory, regulatory, and programmatic requirements. The impacts of climate change are being felt across the United States and the world. Listed below are several climate change trends described by the U.S. Global Change Research Program⁴ and their potential impacts on OSWER programs and activities.

- Flooding and inundation from more intense and frequent storms may lead to contaminant releases through surface soils, ground water, surface waters, sediments, and/or coastal waters at OSWER sites.
 - A 2012 analysis found that over 500 NPL sites were within 100 year floodplains or within 1.5 meter mean sea level rise.⁵
- Rising sea level may inundate OSWER sites in coastal areas and increase flooding from storm surge, both of which could damage cleanups and increase human and ecological exposures to contaminants. More powerful hurricanes may increase the area affected by these storms, putting sites and communities that had not been previously impacted in the past at risk. More powerful storms may also increase storm debris that will need to be appropriately managed.
- Increased average temperature and increased extreme temperatures may result in more frequent and longer lasting heat waves, increasing risk of wildfires capable of spreading to OSWER sites and affecting remedy performance.
- The melting of permafrost may allow contaminants at OSWER sites in Alaska to migrate and may cause land shifting and subsidence.
- Decreasing precipitation and snowpack in portions of the country may lead to increased reliance on groundwater supplies for drinking water which in turn would place increased demands on and create new complications for groundwater remediation at OSWER sites.

On October 31, 2014, the EPA released its Climate Change Adaptation Plan, which identifies priority actions the agency will take to incorporate considerations of climate change into its programs, policies, rules and operations to ensure they are effective under future climatic conditions. Concurrently, the EPA also released final Climate Change Adaptation Implementation Plans from its National Program Managers and all 10 regional offices. OSWER's final Climate Change Adaptation Implementation Plan⁶, which was developed by a workgroup of program office and regional representatives,

⁴ USGCRP. (2009) *Global Climate Change Impacts in the United States*.

⁵ *Adaptation of Superfund Remediation to Climate Change* (February 2012). Note that a "100-year floodplain" refers to the area that may be impacted by a 100-year flood event, as based on a 1-percent annual exceedance probability (AEP). For more information, see "100-Year Flood—It's All About Chance." USGS. http://pubs.usgs.gov/gip/106/pdf/100-year-flood_041210web.pdf.

⁶ OSWER's final Climate Change Adaptation Plan can be found at <http://www.epa.gov/climatechange/Downloads/OSWER-climate-change-adaptation-plan.pdf>.

identifies the climate change impacts to its programs and a plan for integrating consideration of climate change impacts into the office's work.

Taken together, these plans and strategies will provide the necessary foundation to build and strengthen the adaptive capacity of the EPA's partners in the states, tribes, and local communities in ways that are critical to attaining the agency's mission. Thus, it is essential that the priority activities identified in those plans be implemented starting in FY 2015. FY 2016 resources will build upon that foundation to deliver on tools and collaborations developed in FY 2015.

Program offices at headquarters began implementing the OSWER plan in advance of its release and will continue their efforts during FYs 2015-2017; regional experience and involvement are being sought where appropriate. Furthermore, OSWER recognizes that the regional plans included OSWER-related activities as well, with which headquarters will assist. Planning and preparing for the impacts of climate change will enhance the resilience of communities, as well as, reduce the economic costs associated with disasters.

We believe that the work we are doing to better prepare for the potential for increased flooding because of climate change will result in fewer releases, thereby reducing the need for supplemental cleanup funding. There is some uncertainty, however, as to how and when these changes to the climate will occur. OSWER will act prudently to ensure its actions address pressing needs and will review its vulnerabilities, actions and the state of climate science to make adjustments in the future.

Furthermore, OSWER's work can lead to significant reductions of greenhouse gas emissions (GHG). OSWER will leverage its materials and land management programs to achieve measurable GHG reductions while yielding multiple environmental, human health, and economic benefits for communities across the nation. Additional examples regarding how OSWER programs can help mitigate and adapt to climate change are discussed in program-specific guidances throughout OSWER's FY 2016-2017 NPM Guidance.

Activities:

In its Climate Change Implementation Plan, finalized in October 2014, OSWER identified 26 actions to begin over the next three years, including, but not limited to, reviewing remedy effectiveness, management of storm debris, and emergency management planning. Selected actions include:

Headquarters

- The Superfund Remedial program proposed developing criteria to identify cleanup remedies where performance may be impacted by climate change. The EPA's Federal Facility Response program will also contribute to this action.
- The Emergency Response and Prevention program identified actions to ensure Emergency Operations Center staff are provided with the most accurate and

- comprehensive information that takes into consideration changes in climate.
- The Brownfields and Land Revitalization program revised language in grant terms and conditions to include language requiring recipients of certain grants take potential changing climate conditions into consideration when evaluating cleanup alternatives.
 - The Resource Conservation and Recovery program proposed working with states and tribes to develop recommendations to incorporate consideration of climate change impacts into permitting programs.
 - The Underground Storage Tank program proposed working with states to gather information about whether and how states currently alter remediation planning or risk factors and ranking in response to climate change.

Headquarters and regions

- In a related effort, the Emergency Response and Prevention program will work with the regions to gather information related to removal responses to see if there is a possibility these actions were prompted by extreme weather or climate change.

ADVANCING SUPERFUND REMEDIAL CLEANUP

Description: The Superfund remedial program protects the American public and the nation's resources by assessing and cleaning up some of the most contaminated sites in the United States. As a result, communities are safer, healthier, and realize economic benefits. The agency's actions also protect and restore the nation's precious and limited groundwater and surface water resources. Cleanup activities include characterizing the degree and scope of contamination from releases to the environment, developing cleanup strategies, designing and constructing remedies, and conducting long-term operation and monitoring of certain remedies. The program utilizes the best and latest science to inform site-specific cleanup decisions. As new science emerges, the program evaluates how this science may impact national policy and potential response actions at contaminated sites.

While much has been accomplished since the enactment of the Superfund statute in December 1980, significant work lies ahead. The Superfund remedial program continues to address some of its largest and most complex sites. In addition, the cumulative impact of reductions to the program's budget have required a re-balancing of the remedial pipeline including site assessments, remedial investigations/feasibility studies, remedial designs, remedial actions, and post-construction operations.

The program continues to focus on moving sites through the remedial pipeline based on highest human health risks to achieve "shovel ready" projects. Priority will be given to completing projects already underway throughout the response process, as opposed to starting new project phases. In addition, to sustain itself, the program will focus on being as cost effective and efficient as possible by making its internal and external resources go further. To that end, the program continues to use an "enforcement first" approach to maximize PRP participation in performing and paying for cleanups.

Activities:

Headquarters, regions, states and tribes

- **Pursue Enforcement First**

- Maintain focused enforcement efforts to compel cleanup early in the pipeline at remedial investigation/feasibility study (RI/FS) stages; expedite remedial action by holding parties accountable to negotiation timeframes and scheduled cleanup commitments; and rejuvenate the process for identifying responsible parties at the site assessment stage where it appears likely that a remedial response will be necessary.
- Continue to focus on activities that maximize PRP involvement in all phases of response at Superfund sites.
- Focus Superfund enforcement resources on the highest-priority sites and those enforcement activities that achieve the biggest return on our investment based on environmental risk.

- **Maintain Robust Site Assessment and Listing Programs**
 - Prioritize remedial site assessments at new and existing sites posing the highest potential risk to human health and the environment, and determine the best cleanup program approach for those needing remedial cleanup.
 - Leverage states to meet GPRA site assessment goals in an efficient and effective manner.
 - Continue assessing older sites in the site assessment backlog that have not reached a final decision on the need for remedial cleanup.
 - Leverage beneficial non-National Priorities List (NPL) site outcomes nationwide (including the Superfund Alternative Approach, the EPA’s removal program, state and tribal cleanup programs such as Voluntary Cleanup Programs, Resource Conservation Recovery Act [RCRA], Nuclear Regulatory Commission [NRC], and other federal agency cleanup programs).
 - Continue to include EJSCREEN as part of developing the NPL candidate site characterization form.
- **Streamline Decision Document Review Process**
 - Engage early with regions on review of remedy decision documents.
 - Assure regional quality assurance processes.
- **Manage to Completion**
 - Move sites on the NPL through to Remedial Design based on highest human health risks to maximize “shovel ready” sites.
- **Manage Post Construction Activities**
 - Continue working closely with states on the transfer of fund-lead actions requiring state operation and maintenance (O&M).
 - Work collaboratively across stakeholder communities to appropriately document and implement institutional controls at Superfund sites in a timely manner.
- **Conduct Five-year Reviews (FYRs)**
 - Update national guidance and adjust approach for generating FYR reports based on the results from previously conducted streamlined FYR pilot studies.
 - Implement streamlined FYRs nationally where appropriate.
 - Collaborate with external partners (e.g., states, tribes) on conducting FYRs.
- **Redevelop Sites/Communities**

Revitalize communities by working with local governments, residents, reuse entities, and others to identify reasonably anticipated future land use through the Superfund Redevelopment Initiative (SRI).

- **Engage Tribes on Priority Challenges**
 - Focus on the ongoing exchange of best practices among tribes at the Tribal Superfund Working Group calls and meetings and the annual Tribal Lands and the Environment Forum (e.g., the clean-up being conducted by the Quapaw tribe at Tar Creek site).
 - Increase tribal membership in the Tribal Superfund Working Group.
 - Evaluate unique role of land on tribal reservations as it relates to remedy selection (especially as it relates to potential treaty rights, spiritual/cultural aspects of land and the limited boundaries of treaty reservations).

Headquarters and regions

- **Coordinate Work at Sites of National Significance**
 - Coordinate remedy decisions and implementation at large complex sediment sites of national significance (e.g., Portland Harbor, Passaic River, Kalamazoo River) to facilitate national consistency with a particular focus on reducing risk from fish consumption.
 - Coordinate remedy decisions at large complex mining sites of national significance (e.g. Barker Hughesville Mining District, MT; Iron King Mine/Humboldt Smelter, AZ; and Carpenter Snow Creek Mining District, MT) and abandoned uranium mines to improve efficiency and effectiveness in the management of Superfund mining sites.
- **Implement Groundwater Remedy Completion Strategy**
 - Incorporate the strategies outlined in updated groundwater guidance documents⁷ to improve management of groundwater response at remediated sites.
- **Foster Cross-program Collaboration at Sediment Sites**
 - Facilitate cross-program collaboration at contaminated sediment sites between OSRTI, OW and OECA both in headquarters and the regions to more effectively achieve the agency's environmental goals.
- **Maintain Community Engagement/Environmental Justice Efforts**
 - Award Technical Assistance Grants (TAGs) and/or provide Technical Assistance Services for Communities (TASC) contract support to provide technical assistance to communities.
 - Support local job training in communities affected by Superfund sites through the Superfund Job Training Initiative (SuperJTI) to facilitate the employment of trainees at site cleanups.

⁷ EPA's Superfund groundwater remedial completion guidances and reports can be found at: <http://www.epa.gov/superfund/health/conmedia/gwdocs/remedial.htm>

- Provide information to communities on relevant contaminants to children's health.
- Support regions in using EJSCREEN as part of developing a site community involvement plan (CIP).
- Implement relevant activities contained in the 2020 Environmental Justice Work Plan and continue to support the EJSCREEN Communication Workgroup.
- **Incorporate New Science and Address Emerging Contaminants**
 - Evaluate sites to determine how new science and emerging contaminants (e.g., TCE, lead, asbestos) influence response decisions and five-year reviews at sites.
 - Promote a multi-media approach to reducing the exposure of children to lead.
- **Implement Remedial Acquisition Framework**
 - Award the three different suites of contracts (Design and Engineering Services (DES), Remedial Environmental Services (RES) and Environment Services and Operations (ESO).
 - Transition work to the new Acquisition Framework from Remedial Action Contracts (RACs).
- **Leverage In-House Expertise**
 - Encourage work sharing between regions and between regions and headquarters program experts to more effectively utilize national remedial program FTE resources.
- **Maximize Use of Special Accounts**
 - Emphasize the use of funds available in site-specific special accounts to conduct response actions, including using special account funds for payroll, to conserve limited appropriated resources.

Headquarters

- **Optimize Site Cleanup**
 - Conduct approximately 20 to 30 optimization reviews annually (with a target of 15 new starts per year) to focus on the more cost-effective expenditure of Superfund dollars, reduced energy/carbon footprint, improved remedy selection and performance, and expedited consensus and improved decision-making.
 - Conduct training for Remedial Project Managers (RPMs) on factoring in optimization at all phases. The training will consider the technical aspects of conducting optimization studies at their sites, administrative/operational approaches such as contracting for optimization evaluations, and building best practices derived from optimization lessons into their cleanup practices.

- **Implement Climate Change Adaptation Plan**
 - Finalize the production of technical fact sheets and training for Remedial Project Managers and external parties, including the delivery of web based training, to more fully integrate climate change adaptation planning into the Superfund program.
- **Provide Technical Expertise and Field support**
 - Collaborate and coordinate with regional RPMs and OSCs to provide site specific technical support to further protect public health through assessment and remediation of contaminated sites.
 - Identify 10-15 candidates and targets for technical support for site characterization activities using approaches such as high resolution site characterization, scoping of RI activities, and the development of robust, comprehensive life-cycle conceptual site models; and remedy screening, selection and implementation support team verification of remedial alternative technology technical practicability against trusted information resources like Clu-In.org and FRTR.gov (Federal Remediation Technologies Roundtable). (Note that some of these may be part of the optimization universe.)
 - Provide both in house expertise as well as support through existing contracts, collaboration with ORD Technical Support Centers and leveraging of other federal agencies via Interagency Agreements
- **Provide Technology Integration and Assessment**
 - Demonstrate the capabilities of new technologies and develop and demonstrate new applications of existing technologies for site characterization, site cleanup, site data management and interpretation in order to improve protectiveness and reduce the cost and timeframes for cleanup.
 - Work with the research community (other federal partners such as NIEHS, DOD, and DOE) to align investments in technology development, assessment, and technology transfer with site-level and programmatic needs.
 - Work with the regions to encourage and advance the development of field-ready, full scale technologies, provide robust technology information and training programs to support site decision makers in screening and selecting the technologies, and provide technology expertise to National program managers and to site-level project management teams
- **Provide Training (ERTP, NARPM, CEC, CLU-IN Webinars, etc.)**
 - Provide training for regional Superfund RPMs, regional Superfund managers, and Superfund support staff. Deliver a target of 10 CERCLA Education Center (CEC) training courses and 80 Environmental Response

Training Program (ERTP) courses per year and work with the regions to continually update the content of the training. Work with regional training coordinators and regional organizations such as the National Association of Remedial Project Managers (NARPM), Technical Support Project Regional Forums, Superfund and Technology Liaisons and regional remedial branch and section chiefs to assess training needs and respond accordingly.

- Plan and deliver the NARPM Annual Training Event by planning and developing the content, and providing instructors.

- **Provide Access to Analytical Services**

- Provide access to analytical laboratory services, analytical data assessment tools, and analytical laboratory data quality assurance tools via the Contract Laboratory Program (CLP), the Electronic Data Exchange and Evaluation System (EXES), and the CLP Quality Assurance Program.
- Provide ready access for more than 100,000 samples from Superfund Remedial program sites.

Details on Rules or Guidances being Developed or Implemented:

Propose/Finalize Hazard Ranking System (HRS) Subsurface Intrusion Rule

- The HRS subsurface intrusion rule is anticipated to allow for sites with vapor intrusion contamination to be evaluated for placement on Superfund's National Priorities List (NPL). This enhancement of the HRS addresses issues related to the intrusion of hazardous substances, pollutants, and contaminants into structures.
- Assuming that the rule is proposed in the fall of 2015 and finalized in the fall of 2016, we will focus our efforts on the implementation of the rule.

Finalize Vapor Intrusion Technical Guides

- The EPA's regional offices, states, local governments, and other stakeholders have expressed a need to finalize this guidance.
- Two guides are being prepared, one for petroleum releases from underground storage tanks and one for the rest of the universe of contaminated sites addressed by federal statutes.
- Both guides reflect and systematize current practices, which have evolved over the past 15 years, to foster national consistency in addressing vapor intrusion.

Measures: The following ACS measures support this program: 122, 131, 141, 151, 152 and S10. These measures can be found on page 3 of the attached measures appendix. Performance goals and measures for the Superfund Federal Facilities Response program are a component of the Superfund remedial program's measures.

E-MANIFEST SYSTEM AND E-ENTERPRISE

Description: On October 5, 2012, the President signed legislation authorizing a fee-funded electronic reporting program for entities transporting hazardous wastes that are regulated pursuant to the Resource Conservation and Recovery Act (RCRA). Currently a paper manifest is required to document the type, quantity, and routing of hazardous waste to be transported. As directed by this legislation, this paper manifest will be replaced with an electronically submitted manifest (“e-Manifest”).

By working together through the joint governance partnership of E-Enterprise, the states, the EPA and tribes are streamlining, reforming, and integrating our programs for better environmental results. Through joint governance with the states, OSWER is partnering on feasibility studies, listed in Appendix V of this guidance, for decision support software in waste generation determinations, examining the barriers to electronic permitting in all media programs, and modernizing the tracking of waste exports. E-Manifest is OSWER’s main project in E-Enterprise and the solutions it develops for the system’s business to business communications, performance standards for mobile devices, and electronic signatures will remove barriers for many other projects across the agency. E-Manifest also embodies the key concepts of Next Generation Compliance by increasing transparency, enabling electronic tracking and reporting, reducing paperwork and recordkeeping burden and enabling one stop reporting to the EPA and to the states.

In February 2014, the EPA finalized the e-Manifest “One Year” rule. This regulation authorizes the use of electronic manifests once the electronic system is deployed. In FY 2014, the EPA also conducted extensive e-Manifest system architecture planning, and continued significant system requirements gathering. This work included frequent state and industry stakeholder meetings, and other outreach efforts.

In addition, in FY 2014, the agency began development of the e-Manifest user-fee rule. This effort will include developing the accounting and financial reporting structure that will need to be in place to support the calculation of user fees for the system, as well as the economic models to support the rule. During FY 2015, the agency will undertake three key activities: (1) conduct appropriate acquisition processes for system development contractors and begin the development of the e-Manifest system; (2) continue the development of the e-Manifest user fee regulation; and, (3) establish the e-Manifest Advisory Board.

We will undertake the following activities in FYs 2016-2017, as noted below:

Activities:

Headquarters

- In FY 2016 and FY2017, convene the e-Manifest Advisory Board.
- In FY 2016, continue the design and development of the e-Manifest program system.
- In FY 2016, complete the proposed user fee regulation.

- In FY 2017, continue the development of the e-Manifest program system, including extensive system testing.

Regions

- Work with the EPA headquarters in identifying states and other stakeholders that should participate in e-Manifest system design and development testing.
- Work with the states that require manifests to prepare them to receive manifests electronically.

States

- Continue to participate in technical meetings as appropriate as the agency moves into e-Manifest system design and development. States requiring manifests should scope the needed changes to their systems to be able to receive manifests from the EPA in an electronic format (e.g., via the Exchange Network).
- Begin taking action for any necessary state regulatory or statutory changes to implement e-Manifest.

Measures: The e-Manifest legislation calls for the development of performance measures to be put in place once the system is deployed. In FY 2017, the EPA will develop measures that will be used to measure the effectiveness of the system once in operation.

Leveraging Private and Public Sector Partnership and Resources

SUSTAINABLE MATERIALS MANAGEMENT

Description: One foundational purpose of RCRA is to reduce the total quantity of materials that ultimately become wastes, effectively practicing conservation during the useful life of materials and natural resources. To achieve the conservation part of the Resource Conservation and Recovery Act (RCRA), the EPA is investing in Sustainable Materials Management (SMM) practices to create a national lifecycle management perspective. The SMM program supports an approach that reflects the need to look at our environmental challenges with a whole-systems approach, leverage cross-program efforts and tools, and collaborate within the EPA and with external partners and stakeholders.

OSWER, in conjunction with the regional offices, will pursue opportunities to align work that utilize and integrate sustainability efforts in ongoing EPA sustainability approaches and will adopt ACS commitments that will capture the progress achieved in those areas. Additional resource investments in the area of SMM will assist regions in their implementation efforts. In particular, opportunities presently exist to integrate these approaches into sector-based initiatives such as electronics and food. Combining efforts where appropriate, creates an opportunity to leverage resources and work jointly with stakeholders reducing the number of EPA programs approaching the same entities on the same or related areas.

The EPA will continue to play an essential role in SMM by convening stakeholders, providing credible science and information, providing transparent and public information, promoting new ideas and approaches via challenges and recognition, and developing standards. The EPA will focus on a small set of clearly articulated, results-driven priorities that emphasize the principles of SMM and are well integrated with work in other parts of the EPA (e.g., Pollution Prevention) and states.

The implementation of SMM is fundamental to ensuring that adequate resources are available to meet today's needs and those of the future. In FYs 2016 and 2017, the RCRA program will focus on the advancement of the SMM concepts and approaches through the activities below (note: activities may need to be adjusted based on the agency's annual action plan for the Sustainability Cross-Cutting Strategy, as well as current SMM strategic planning).

Activities:

Headquarters

- Provide credible information and data on MSW materials management, including reuse and recycling, by producing the annual MSW Characterization Report and expanding it to include new analyses, new data, and information on the economic impacts of MSW materials reuse and recycling.
- Facilitate discussions with states to continue development of a State Data

Measurement Sharing program that will be a web based, open source national dataset of solid waste, recycling, source reduction activities that provides consistent comparison and trend analysis across all states.

- Lead federal government participation in international organizations advancing SMM and Resource Efficiency including the G7, G20, OECD, and UNEP.
- Co-lead federal government implementation of the National Strategy for Electronics Stewardship lead implementation of EPA's specific tasks.
- Convene national collaborations with stakeholders who would otherwise not come together – industry, government representatives, non-profits and others – to pursue solutions to resource conservation and advance SMM.
- Lead the design and implementation of robust challenges to encourage participants to modify business practices to increase SMM with demonstrable results.
- Lead, develop, and implement the SMM Electronics Challenge.
- Conduct national outreach and education on SMM through social media and other communications mechanisms.
- Collaborate with USDA and other federal agencies, national trade associations and business organizations, and NGOs and community organizations in leading national implementation of SMM.

Regions

- Convene collaborations with regional stakeholders who would otherwise not come together – industry, government representatives, non-profits and others – to pursue solutions to resource conservation and advance SMM.
- Recruit and support regional participants and endorsers to targeted robust challenges to modify business practices to increase SMM with demonstrable results.
- Highlight, recognize, and support regional Challenge Award Winners and other high-performing companies demonstrating results in implementing SMM.
- Identify and promote best practices implemented by regional Challenge participants, endorsers, and other high-performing companies.
- Conduct regional outreach and education on SMM through social media and other communications mechanisms.
- Develop and promote regional solutions for waste management by working with stakeholders to develop infrastructure to better manage materials diverted from landfills and to minimize disposal options by sharing best practices.
- Collaborate with industry, government representatives, non-profits, and others to pursue innovative policies to incentivize SMM focused on regional industries.

Measures: The ACS measure supporting this program is SM3. The measure includes both the number of new recruits and the number of continuing active participants in the challenges added together for regions to count them toward the SM3 measure. This measure can be found on page 1 of the attached measures appendix.

CHEMICAL RISK MANAGEMENT

Description: On August 1, 2013, the Executive Order on Improving Chemical Facility Safety and Security directed the federal government to improve operational coordination with state and local partners; enhance federal agency coordination and information sharing; modernize policies, regulations and standards; and work with stakeholders to identify best practices. The EPA is making steady progress toward achieving these critical outcomes. Some of those accomplishments include:

- Holding 32 LEPC workshops in Texas, Oklahoma, Louisiana, and Arkansas to discuss the roles, responsibilities, and authorities of LEPCs and identify issues and barriers to developing and implementing local emergency contingency plans.
- Completing the development of 19 standard operating procedures (SOPs) as a result of the EPA Region 2 pilot program efforts to:
 - define high risk and inspection prioritization among federal agencies,
 - identify how best to share information and data among agencies and first responders, and
 - determine methods for improving access and content of chemical inventory Tier II filing and disseminating them to the Regional Working Groups to develop tailored SOPs for their region.
- Publishing a Request for Information (RFI) to gather information on key areas for strengthening or clarifying existing requirements and adding new prevention and emergency response program elements to the RMP program regulations.

To supplement these gains, OSWER is evaluating ways to better focus the EPA's Emergency Planning and Community Right-to-Know (EPCRA), the RCRA hazardous waste permitting, and Risk Management Plan (RMP) programs to further improve chemical safety and increase community and public awareness.

Activities:

Headquarters

Make progress and deliver key products in implementing the Executive Order 13650 – Improving Chemical Facility Safety and Security, through the following activities:

- Strengthen and support the state and local infrastructure of SERCs/TERCs and LEPCs/TEPCs. Including:
 - Work with SERCs and TERCs to develop on-line training on the key requirements under EPCRA. (June 2015)
 - Develop guidance and training for, and hold regional workshops with, LEPCs and TEPCs. (June 2015)
 - Leverage industry associations to provide their members with information on EPCRA roles and responsibilities and share best practices for facility involvement with LEPCs and TEPCs. (June 2015)
 - Strengthen technical assistance and guidance to LEPCs and TERCs throughout the nation to help local and tribal emergency planners understand and use chemical facility information to help better protect communities. (June 2015)
 - Enhance the capabilities of the Computer-Aided Management of

Emergency Operations (CAMEO) suite of applications, which assists local communities plan for and respond to chemical accident, by expanding analytical capabilities and promoting information sharing. (December 2016)

- Engage with key stakeholders in discussing options for modernizing regulations, guidance, and policy to enhance chemical safety at facilities and draft a proposed rule to address key options to further chemical safety under the Risk Management program. This will include:
 - Issuing an alert on safer technology and alternatives and work with industries to publicize examples of best practices. (September 2015)
 - Publishing a proposed rule under the RMP program to include priority amendments to advance chemical safety. (September 2015)
 - Developing voluntary guidance to make chemical facilities aware of safety technology, processes, and alternative solutions to reduce the overall risk of their facilities. (September 2016)
- Expand the development and implementation of the EPA Region 2 pilot program's SOPs to all the regions using the newly established Regional Working Groups. (September 2015)
- The RCRA national program will work with state programs to the extent practicable, to ensure that they have provisions for handling unplanned waste from disasters and that facilities that manage non-hazardous and hazardous waste after a national emergency have the appropriate controls and flexibility in place to receive and properly manage the unplanned waste, and that there are also incentives in place to ensure the appropriate reuse and recycling of these wastes, whenever possible.
- Oversee progress toward the goal of preventing releases at 500 hazardous waste management facilities with initial approved controls or updated controls by FY 2018 resulting in the protection of an estimated 20 million people living within a mile of all facilities with controls.

Measures: The ACS measures CH2 and HW0 that support this program can be found on page 1 of the attached measures appendix.

BROWNFIELDS AREA-WIDE PLANNING

Description: The Brownfields Area-Wide Planning (BF AWP) program provides brownfields planning assistance in the form of grant funding to targeted areas – such as a neighborhood, downtown district or local commercial corridor – that are affected by a single large, or multiple, brownfield site(s). Brownfield sites that are concentrated in a specific area of a community are connected, not only through proximity but also through infrastructure, economic, social and environmental conditions. An area-wide focus on brownfields cleanup and revitalization can yield a more coordinated, strategic and efficient approach when making environmental and other area improvements.

Receiving a BF AWP grant enables the recipient to develop community-supported reuse plans for catalyst brownfield sites in the targeted area. As part of the brownfields reuse planning process, recipients must also develop strategies for plan implementation, including identifying site assessment, cleanup, and other local improvements that are protective of public health, environmentally responsible and economically viable. The BF AWP process provides an opportunity for grant recipients to address environmental justice concerns, promote sustainable and equitable development within the brownfields project area, and seek leveraging opportunities to help ensure successful reuse of the brownfields.

In FY 2010, 23 BF AWP grants were awarded; in FY 2013, 20 BF AWP grants were awarded; in FY 2015, approximately 20 BF AWP grants will be awarded.

Activities:

- **Provide grant and ongoing project support to the recipients of BF AWP grants**
 - Regions: Continue to manage the FY 2015 BF AWP grants that are funded up to \$200,000 for two years. No new AWP grants will be awarded in FY 2016.
 - Regions: Continue to provide targeted brownfields assessments (TBAs) on brownfields properties that will help implement the brownfields area-wide plans developed by grant recipients in FY 2010, FY 2013 and FY 2015. When needed, regions should provide TBA assistance for catalyst sites during the grant recipient's ongoing BF AWP process. TBAs will provide a grant recipient with important information about the amount of cleanup needed at a brownfield site, which will help with site reuse planning and plan implementation.
 - Regions: Work with the Office of Brownfields and Land Revitalization (OBLR) on the FY2017 BF AWP grant competition. Approximately 20 BF AWP grants will be awarded to recipients in FY 2017. These grants will be managed in the EPA's regional offices, with overall program support and implementation assistance from OBLR.
 - Regions: Where identified by the grant recipient as helpful and appropriate, the regional offices should take a leading role in convening

other regional EPA program staff (such as water, air, sustainable communities, environmental justice, children's health and enforcement staff, as appropriate) and regional staff from other federal agencies (such as HUD, DOT, EDA, USDA, and ATSDR, as appropriate), states, tribes and local governments, to identify possible barriers and solutions for implementing the BF AWP projects. In conjunction with regional efforts, OBLR will assist, as needed, with convening other federal partners to help with this effort.

- Regions: Assist grantees with accomplishments reporting, including capturing leveraged funding and associating any relevant assessment or cleanup property records, in ACRES.
 - Headquarters: Continue to work on the grant award and administration efficiencies consistent with the new guidance from OARM on grant efficiencies.
 - Headquarters: Commence AWP grant competitions earlier, so that selections are made and project officers can begin processing applications during the third quarter of the fiscal year.
- **Continue to work with the HUD-DOT-EPA Partnership for Sustainable Communities (PSC) to coordinate project efforts and align resources to help with BF AWP plan development and implementation**

Headquarters and regions

- In the Brownfields AWP grant programs, the EPA's guidelines provide for special consideration for PSC grant recipients or their core partners. This means as proposals are ranked and selected for award by the EPA, the EPA's Selection Official may consider awarding grant funds to an applicant that also may have been selected for a PSC grant.
- The EPA OBLR staff should fully utilize the PSC networks that have been created in the regions and headquarters to support the BF AWP projects and share information that may be useful to plan development and implementation.
- The EPA will continue to work through the PSC towards better alignment of federal resources around the common six livability principles (see <http://www.sustainablecommunities.gov/mission/livability-principles>) to help enable BF AWP implementation.

Program-Specific Guidances

SUPERFUND REMEDIAL PROGRAM

Description: The Superfund Remedial program protects the American public and the nation's resources by assessing and cleaning up some of the most contaminated sites in the United States. As a result, communities are safer, healthier, and more economically viable. The agency's actions also protect and restore the nation's valuable groundwater and surface water resources. All substantive direction for implementing the Superfund Remedial program can be found under the National Area of Focus, "Advancing Superfund Remedial Cleanups," on page 8 of this program guidance.

SUPERFUND FEDERAL FACILITY RESPONSE PROGRAM

Description: OSWER's Superfund Federal Facilities program oversees and provides technical assistance for the protective and efficient cleanup and reuse of federal facility sites. The EPA's oversight authority, primarily exercised at National Priority List (NPL) sites, provides a review of federal cleanups which ensures that work being conducted by other federal agencies is in agreement with site cleanup plans and is protective of human health and the environment. The program is responsible for activities such as: 1) reviewing and approving site cleanup documents; 2) participating in site meetings with affected communities; 3) making final remedy selection decisions at NPL sites; and 4) monitoring remediation schedules as outlined in the Federal Facility Agreements (FFAs). Additionally, the program continues to have a close partnership with states, as co-regulators on NPL sites.

The Superfund Federal Facilities program's extramural budget has been substantially reduced. This resource reduction has created challenges for the program's oversight responsibilities and has led the program to focus resources primarily on statutory requirements at NPL sites. Sustained budget reductions may also delay FFA schedules and milestones. In FYs 2016-2017, the program will continue to focus on critical efforts as outlined below.

Activities:

Headquarters

- Advance program transparency and collaboration to promote efficient and effective federal facility cleanups.
- Improve the E-docket tool to advance public access and transparency. The E-Docket identifies sites under the jurisdiction, custody, and control of the federal government using web query pulls from the RCRA Info and ERNS databases; site information is then verified and validated in the E-Docket tool, which acts as a central information repository prior to publishing sites on the Docket. The use of EJSCREEN as a mapping tool will be explored to be used in conjunction with the Federal Agency Hazardous Waste Compliance Docket.
- Provide direction and develop the necessary guidance to support site managers through resources such as Emerging Contaminant Technical Fact Sheets and PFC Roadmap.
- Operationalize the community and site manager's tools on five-year reviews to improve technically accurate and timely reviews that meet statutory deadlines.
- Strengthen oversight and provide technical assistance, as appropriate, at DoD military munitions response sites on the NPL.
- Work with DoD and technical working group on proposed updates to the Munitions and Explosives of Concern Hazard Assessment (MEC HA) tool.
- Fund a cooperative agreement for the Federal Facilities Subcommittee of the Association of State and Territorial Solid Waste Management Officials

(ASTSWMO). This funding supports the EPA-state partnership and promotes the dialogue and advancement of federal facility cleanups. It also allows individual state program managers to share ideas, expertise and lessons learned on a wide range of cleanup issues. The work plan will include language that allows flexibility for the states to focus research on current issues of concern.

Headquarters and regions

- Continue to implement and improve a modernized business model for managing FTE that enables the sharing of resources such that FTE can be physically located in any region but virtually organized to accommodate workload. This model can enable the rapid deployment of qualified/expert personnel to assist regions in meeting priority goals and statutory requirements.
- Ensure that determinations made at legacy federal facility sites are still appropriate based on current site conditions as part of the Federal Facilities Site Evaluation Project (FFSEP), Phase 2. Headquarters is currently piloting these efforts but regional and state participation will be required as the project matures.
- Prepare for cleanup and property transfers at Base Realignment and Closure (BRAC) sites. BRAC is an accelerated cleanup program funded through an interagency agreement (IA) that has been steadily ramping down. The current BRAC IA is scheduled to expire on September 30, 2016, marking the first time in 20 years that the EPA will not receive funds from DoD to support BRAC FTE.
- Provide technical assistance to communities by issuing Technical Assistance Grants (TAGs).
- Implement a Green Remediation Strategy to help minimize the environmental footprint of cleaning up Superfund sites and ensure a protective remedy within the Superfund statutory and regulatory framework, as established by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

Measures: The Superfund Federal Facilities Response program contributes to the following overall Superfund Remedial program measures: ACS 122, 131, 141, 151, 152 and S10. These measures can be found on page 3 of the attached measures appendix. The program also tracks the ACS measure FF1, “Percent of Superfund federal facilities construction complete.” This percent construction complete measure provides a more detailed view of site cleanup progress at federal facility sites on the NPL.

The percent of Superfund federal facilities construction complete measure is based on the average of three specific site factors: 1) Operable Unit (OU) percent complete; 2) Total actions percent complete; and 3) Duration of actions percent complete. Each factor has its own percentage and the three percentages are averaged for a site-specific percentage. Then, all site-specific percentages are averaged and used as the national target/result. The EPA’s yearly target is an estimated net increase in the national % construction

complete number for NPL federal facility sites. Results for this measure are calculated at the national level by FFRRO with the benefit of regional data entered into SEMS.

EMERGENCY RESPONSE AND PREVENTION PROGRAM

Description: OSWER's Emergency Response and Prevention program will continue to prepare for, prevent and respond to environmental incidents. Core activities include Superfund / CERCLA emergency response and removal actions, the Core National Approach to Response (NAR) evaluation and inspections of regulated oil and chemical facilities under the Clean Water and Clean Air Acts. The Clean Water Act requires owners or operators of facilities that have a reasonable expectation to discharge oil to navigable waters or adjoining shorelines to prepare Spill Prevention, Control and Countermeasure (SPCC) Plans. A subset of SPCC-regulated facilities must also prepare Facility Response Plans (FRPs) if they have the potential to cause substantial harm to the environment. The Resource Conservation and Recovery Act (RCRA) requires large quantity generators and permitted treatment, storage, or disposal facilities to prepare hazardous waste Contingency Plans and to make prior arrangements with local authorities in case of an emergency. The Clean Air Act (CAA) Section 112(r), EPCRA and RCRA programs aim to prevent serious chemical accidents, minimize the consequences of accidents that occur, and provide chemical hazard and risk information to the public.

Activities:

Headquarters and regions

- The Emergency Response and Removal program will continue to complete and oversee removal actions with an emphasis on collecting required data elements including site type, volume, contaminant and contaminant of concern.
- The EPA will continue evaluating On-Scene Coordinator (OSC) resources based on needs and responsibilities of the regions. The EPA headquarters will work with the regions to develop response stories that highlight significant removal and response actions and their benefits. Each region will submit a story on a quarterly basis, and these stories will be used as part of both external and internal communication efforts.
- The EPA will continue evaluating emergency response readiness through its annual Core NAR evaluation, revised to reflect lessons from FY 2014, including tabletop exercises and evaluations of internal regional exercises. The EPA will continue to encourage back-up region participation.
- The EPA will continue to evaluate RCRA facilities compliance with preparedness, prevention, and planning requirements.
- The EPA will implement specific actions under OSWER's Climate Change Adaptation Plan to more fully integrate climate change adaptation planning into core programs.

Regions

- As part of a broader strategy to expand high-risk facility initiatives focused chemical and oil safety, focus on high-risk SPCC and FRP facilities, as defined by the program's high-risk inspection targeting procedures.
- Use and maintain the national SPCC and FRP Oil Database Application as the official database of record for EPA inspection activities.
- Use EJ Screen either pre- or post-inspection to assist with determining whether or not a facility is within a community with potential environmental justice (EJ) concerns and if those communities need additional outreach.
- Maintain the number of SPCC inspections conducted nationally during FY 2016 at approximately the same level as FY 2012; these levels will be re-evaluated annually thereafter with regional input. OEM will coordinate with regions to tailor individual regional goals to work toward this national goal and to develop a metric for future annual SPCC inspections. Approximately 30% of these SPCC inspections nationally should be conducted at high-risk facilities, as defined by the program's high-risk targeting procedures.
- Implement the closing conference procedures for the SPCC program and FRP program (when finalized for FRP).
- Conduct informal enforcement activities to support the return to compliance measure in accordance with established OEM policy.

Regions and delegated state and local agencies

- Inspect at least 3 percent of the total number of RMP-regulated facilities in the region each year during FYs 2016 and 2017. Of these inspections, at least 36 percent should be conducted at high-risk RMP facilities, using the list derived from established high risk criteria and provided by headquarters to regional offices at the beginning of the fiscal year. Regional program managers may, after consultation with and approval by headquarters, alter the population and/or hazard index thresholds for their region in order to include additional facilities on the regional high-risk list.
- Conduct all RMP inspections in accordance with "Guidance for Conducting Risk Management Program Inspections Under Clean Air Act Section 112(r)" (EPA 550-K-11-001, January, 2011).
- All inspections at RMP facilities with program 2 and/or 3 processes must evaluate a facility's compliance with some or all of the accident prevention and emergency response program requirements of Subparts C, D and E of 40 CFR Part 68, in addition to evaluating compliance with other 40 CFR Part 68 requirements as time and resources allow. For inspections at multi-process or high-risk facilities, conduct inspections where the field portion of the inspection involves the appropriate number of inspectors/technical experts and time to evaluate the RMP program compliance and chemical safety at the facility, as stated above. For inspections at larger and more-complex facilities, regions should devote additional staff and/or time as appropriate to the size and complexity of the facility.

- Produce a narrative inspection report for each inspection that includes the information elements described in Appendices C and D of the inspection guidance, and include narrative findings (i.e., potential compliance deficiencies) that are supported by objective facts gained through document reviews, personnel interviews, and observations of facility and equipment status, conditions and operations. All findings should relate directly to a specific requirement of CAA Section 112(r), 40 CFR Part 68 or an industry code or standard applicable to the subject facility. Regions may use variations of the report or checklist formats contained in the inspection guidance, provided all necessary information is present in the inspection report. Make inspection reports available to headquarters upon request.
- As appropriate, evaluate facility compliance with EPCRA sections 304 and 311/312 and CERCLA section 103 during all RMP inspections. At the end of the fiscal year, report the number of high-risk facility inspections completed, as well as the total number of RMP non-filer investigations completed and of that total, the number of actual non-filers identified and required to comply with the RMP regulations.
- Limit inspections that pertain exclusively to the CAA Section 112(r)(1) General Duty Clause or identifying RMP non-filers to 10 percent of the total number of inspections (EPA headquarters will re-evaluate this percentage limit on a per region basis in the event that special issues arise).
- Inspections that pertain exclusively to identifying gas leaks using infrared cameras, without evaluating core accident prevention or emergency response program requirements of 40 CFR Part 68 or the CAA Section 112(r)(1) General Duty Clause should not be counted toward a region's annual inspection target.
- Inspect RMP facilities where RMP-qualifying accidents occur during the fiscal year no later than 6 months after the accident. Accidents involving deaths, severe injuries or significant community or environmental impacts should receive the highest inspection priority. During these inspections, regional inspectors should pay particular attention to ensure that facilities have conducted an appropriate incident investigation, prepared an investigation report, taken appropriate and timely corrective actions, and updated the facility's risk management plan to reflect any changes resulting from the investigation and any new information required to be reported in the facility's five-year accident history.

Details on Rules being Developed or Implemented:

Propose/Finalize Revisions to Subpart J Rule

- The proposed action would amend Subpart J requirements for the use of dispersants, and other chemical and biological agents to respond to oil spills in waters of the United States, and considers concerns that arose during the Deepwater Horizon response regarding toxicity, efficacy, long-term environmental impacts, endangered species protection, and human health. Additionally, revisions to area planning requirements for dispersant use authorization, to toxicity and efficacy testing methodologies, listing thresholds, as well as comprehensive monitoring for certain discharge situations are proposed.

- Assuming that the rule is proposed in 2015 and finalized in 2016, OEM will focus our efforts on the implementation of the rule.

Propose/Finalize Revisions to the National Contingency Plan

- This proposed rule would (1) align the National Contingency Plan (NCP) with the National Response Framework and National Incident Management System; and (2) update the descriptions of federal departments and agencies and how they operate, including updating information on federal Special Teams. Assuming the rule is both proposed and finalized in FY 2015, OEM will focus efforts on implementation of the rule in FY 2016, which will involve minimal terminology changes to removal program guidance documents and epaosc.net.

Propose/Finalize Risk Management Modernization

- The EPA may propose a rule in FY 2015 with modifications to Risk Management Program regulations, based on comments received from the Request for Information that was published in FY 2014, with the goal of modernizing regulations, guidance, and policies as required under Executive Order (EO) 13650: Improving Chemical Facility Safety and Security. The goal is to finalize the rule in FY 2016.

Changes to the Spill Prevention, Control, and Countermeasure Program Related to Farmers by the Water Resources Reform and Development Act

- In late FY 2015 or early FY 2016, the EPA expects to propose modifications to the Oil Spill Prevention, Control and Countermeasure (SPCC) requirements to address modifications mandated by the Water Resources Reform and Development Act (WRRDA) of June 2014. These modifications change the way in which the SPCC requirements apply to farms. Regulatory modifications are also intended to reflect the results of a study of oil spill risk from farms as required by the WRRDA.

Measures: The following ACS measures supporting this program can be found on pages 1 and 2 of the attached measures appendix: 137, 327A, 328A, CH2 and C1.

BROWNFIELDS AND LAND REVITALIZATION PROGRAM

Description: The EPA's Brownfields and Land Revitalization program (OBLR) emphasizes environmental and human health protection in a manner that stimulates economic development and job creation by awarding competitive grants to assess and clean up brownfield properties and providing job training opportunities, particularly in underserved communities. The program aims to reduce risk to human health and the environment by making communities safer and healthier, protecting other natural resources, and promoting reuse of formerly contaminated sites. The program also continues to implement specific actions under OSWER's Climate Change Adaptation Plan to more fully integrate climate change adaptation planning into core programs.

OBLR will continue to pursue activities outlined in the 2014-2017 Brownfields Program Strategic Framework, including: (1) increase the local capacity of communities to address brownfields; (2) implement grant program efficiencies; (3) improve communications and coordination internally and with brownfields stakeholders; and (4) incorporate strategic resource management into program decision-making.

Activities:

- **Award and manage the FY 2016 and FY 2017 Assessment, Revolving Loan Fund, Revolving Loan Fund and Cleanup (ARC) grants**
 - States and other eligible entities: May apply for grants to be used to address sites contaminated by petroleum, petroleum products, hazardous substances, pollutants, and/or contaminants. The agency will hold Assessment and Cleanup Grant competitions each year, but plans to alternate the Revolving Loan Fund (RLF) Grant competition cycles and award new RLF cooperative agreements to eligible recipients every other year beginning in FY 2015. The next RLF Grant competition will occur in FY 2016. Alternating competition cycles will allow the program to focus on supporting and building the existing RLF grantees' programs. Supplemental RLF funding will continue to be awarded annually to advanced RLF grantees that have grown their programs by making loans and sub-grants.
 - Regions: Manage the Brownfields Assessment Grants (each funded up to \$200,000 over three years; Brownfields Assessment Coalitions Grants are funded up to \$600,000 over three years), RLF Grants (each funded up to \$1,000,000 over five years) and Brownfields Cleanup Grants (each funded up to \$200,000 over three years). Part of grants management includes encouraging grantees to comply with the Terms and Conditions of their grants, including the requirement to enter relevant data into the Brownfields national grants data system, ACRES (Assessment, Cleanup and Redevelopment Exchange System).
 - Headquarters and regions: Work together to develop guidance that will ensure the quality of grantee provided leveraging data and to report that data in a consistent way across projects. Already, the program has revamped its evaluation training to ensure consistency by using scoring descriptors, it has

improved regional debriefings by compiling a debriefings reference guide and providing additional training to regional debriefers and is continuing to work on grant efficiencies to reduce the amount of time from grant selection to award. Specifically, the program has developed general templates, Terms & Conditions and other award documents to facilitate grant awards.

- States and other eligible entities and regions: Work closely to ensure funding is used on projects that demonstrate, among other things, strong leveraging capability.
- Headquarters: Continue to work on the grant award and administration efficiencies consistent with the new guidances from OARM on grant efficiencies. Commence ARC and other grant competitions earlier, so that applicants can be selected and project officers can begin processing applications during the third quarter of the fiscal year. Work will commence earlier on the Brownfields ARC guidelines which will allow us to have them ready for posting in the summer of the year prior to award.
- Headquarters and regions: Continue to work with small communities to encourage them to apply for and be successful at managing ARC grant funding.
- Headquarters and regions: Continue efforts to ensure staff are fully trained to review ARC applications, and that outreach, application reviews, panel discussions and debriefings of unsuccessful applicants are done in an accurate and nationally consistent way.

- **Conduct Targeted Brownfields Assessments (TBA)**

- Regions: Manage regional TBA process for selecting and prioritizing sites transparently. Transparency will be increased by posting detailed TBA information and the process for evaluation and selection of TBA-funded projects on the Brownfields website. The program also will work with states and tribes to target funding toward small and rural communities that may not have the capacity to compete successfully or manage a competitive assessment grant. Finally, the program will target funding toward communities impacted by economic disruptions (e.g. auto sector communities, or communities affected by plant closures and/or desiring manufacturing and an end use at sites), Brownfields Area-Wide Planning grant recipients, and toward those communities designated as part of the agency's Making a Visible Difference in Communities cross-agency initiative.
- Headquarters and regions: Work together to evaluate an allocation process for TBA funding, taking into consideration relevant factors such as use and balance of previous TBA funding, TBAs completed and reported in ACRES and other factors, as appropriate.

- **Award and manage the FY 2015 and FY 2017 Brownfields Area-Wide Planning (AWP) grants**

- Eligible entities: May apply for grants to facilitate community involvement in developing an area-wide plan for brownfields assessment, cleanup and subsequent reuse on catalyst, high-priority brownfield site(s). Please refer to

the Area-wide Planning National Area of Focus on pages 20-21 for more information.

- Regions: Manage the AWP grants that are funded up to \$200,000 for two years and provide TBAs and other implementation support as needed for these projects. Please refer to the Area-wide Planning National Area of Focus on pages 20-21 for more information.
 - Headquarters and regions: Continue to work together with AWP grantees that have identified manufacturing as a desired end use in the AWP Grants to help them engage their communities and plan for this end use, and to assist them in securing implementation funding from relevant federal agency resources.
- **Include brownfields assistance in the HUD-DOT-EPA Partnership for Sustainable Communities (PSC) effort to align resources to better serve communities and enhance fiscal responsibility**
 - The EPA's Brownfields program is part of the HUD-DOT-EPA PSC and is working with several offices at HUD, DOT and the EPA to coordinate our actions and align our programs with a common set of six livability principles. The livability principles guide the EPA, HUD and DOT in its efforts to coordinate environmental protection, housing investments, and federal transportation policies, as well as other infrastructure investments to protect the environment, promote equitable development, and help to address the challenges of climate change. (Learn more about the six livability principles <http://www.sustainablecommunities.gov/mission/livability-principles>).
 - In the Brownfields ARC and AWP grant programs, the EPA's guidelines provide for special consideration for PSC grant recipients or their core partners. This means as proposals are ranked and selected for award by the EPA, the EPA's Selection Official may consider awarding grant funds to an applicant that also may have been selected for a PSC grant.
 - States: Coordinate brownfields planning efforts with PSC and Brownfields program grant recipients and consider aligning state resources and investments, where appropriate.
 - Regions: Regional brownfields and land revitalization programs continue to coordinate with regional HUD-DOT-EPA partnership programs on each BF AWP project (and other brownfields projects, where appropriate) and participate in the regional dialogue on how to align resources to these brownfields communities.
 - **Allocate funding and manage the CERCLA 128(a) State and Tribal Response program**
 - States, tribes and territories: May request support to establish and enhance its response programs that will manage and oversee environmental assessment, clean up and long term stewardship activities.
 - Headquarters and regions: Ensure funding is available and provided to states, tribes, and territories that demonstrate results at the community level and support for communities that are economically distressed and that lack the capacity to manage environmental response activities.

- States, tribes, territories and regions: Work closely to implement workplan to establish and enhance its response program.
- Headquarters and regions: Ensure funding is available and provided to states, tribes, and territories that demonstrate results at the community level and support in establishing and enhancing their environmental response programs. Continue to focus on changes to the program guidance to further outreach to rural, tribal, environmental justice and economically distressed communities.
- **Expand job training opportunities in the environmental field**
 - Headquarters and regions: Support non-profit organizations and other eligible entities through Environmental Workforce Development and Job Training (EWDJT) cooperative agreements.
 - States and eligible entities: May apply for funds that will provide communities flexibility in meeting their local environmental labor market demands.
 - Headquarters: Continue to partner with the EPA's Office of Chemical Safety and Pollution Prevention and the Office of Water, to allow for a broader array of environmental health and safety and remediation training and continue to identify other opportunities for supporting multi-appropriation training with the EPA's Office of Air and Radiation and other National Program Managers.
 - States, eligible entities and regions: Collaborate to support training across other EPA programs, including graduate placements in solid waste, Superfund, emergency response, wastewater treatment, and chemical safety related careers.
 - As a result of recommendations raised by the EPA's Office of the Inspector General, OBLR will work more closely with Office of Superfund Remediation and Technology Innovation and Office of Environmental Justice to avoid potential duplication of environmental job training programs.
- **Advance environmental justice and institutionalize Community Engagement Initiative (CEI) activities in brownfields-affected communities**
 - Headquarters: Integrate the use of EJSCREEN into EPA's Brownfields program by using the tool to better characterize the community demographics and potential environmental concerns around impacted areas, target outreach to underserved communities, and other programmatic applications.
 - Headquarters: Continue to provide outreach to Historically Black Colleges and Universities (HBCUs) and Minority Academic Institutions (MAIs) about funding opportunities offered through the Brownfields program, including brownfields cleanup and environmental workforce development and job training grants.
 - Headquarters: Continue to raise awareness about the importance of integrating equitable development into brownfields cleanup and assessment projects.

- **Continue to support brownfields communities via Technical Assistance to Brownfields Communities (TAB) grants and other technical assistance programs**
 - Headquarters and regions: Manage TAB grants which provide technical assistance to communities across the nation to help them deal effectively with their brownfields sites, build their capacity so they are able to develop strong brownfields programs, and identify funding resources to maintain sustainable brownfields programs, especially in small, rural, and tribal communities. Ensure states and tribes are aware of federal technical assistance opportunities to support their communities.
 - Headquarters: Initiate the next round of TAB grants as the current TAB grants expire and are closed out. It is anticipated that the next TAB grant competition will occur in FY 2017.
 - Headquarters: Manage additional technical assistance to communities for implementation.

Continue to support land revitalization by supporting OSWER RePower Initiative

- Headquarters and regions: OSWER programs, including RCRA Corrective Action (CA), Superfund, Brownfields and Land Revitalization and staff from the RePowering America's Land Initiative will encourage the reuse of contaminated properties as renewable energy sites. These programs will continue to support RePowering America's Land Initiative by implementing the revised OECA/OSWER lessee guidance, providing comfort letters as appropriate on a site-specific basis, and providing additional technical assistance, where appropriate, to facilitate the safe reuse of contaminated properties.

Measures: The following ACS measures support this program: B29, B32, B33, B34 and B37. These measures can be found on page 1 of the attached measure appendix.

SUSTAINABLE MATERIALS MANAGEMENT

Description: Sustainable Materials Management (SMM) is an approach to reduce negative environmental and societal impacts across the life cycle of materials from resource extraction, manufacturing, use, reuse, recycling and disposal. This approach seeks to minimize the amount of materials involved and all the associated environmental impacts, as well as account for economic efficiency and social considerations. All substantive direction for implementing the SMM program can be found under the National Area of Focus, "Sustainable Materials Management," on page 16 of this program guidance.

PROTECTING COMMUNITIES THROUGH PERMITTING OR OTHER APPROVED CONTROLS AND SUPPORT TO TRIBAL WASTE MANAGEMENT PROGRAMS

Description: The RCRA and TSCA polychlorinated biphenyl (PCB) permitting and approval programs protect people and ecosystems from exposure to dangerous chemicals. The EPA also provides support to tribes to develop and implement solid and hazardous waste management programs.

Activities:

Headquarters

- ORCR will oversee and support progress towards the national goal of preventing releases at an additional 500 hazardous waste management facilities with initial approved controls or updated controls by FY 2018 through targeted technical/programmatic assistance and coordination activities.
- Permit modifications represent a significant portion of the RCRA Subtitle C permitting workload but, in order to track the information associated with these modifications, fundamental changes need to be made to RCRAInfo. ORCR, working with its state and regional partners, will provide functionality in RCRAInfo to capture information in this key program area. ORCR will also explore options for improving the efficiency of the permit modification process.
- ORCR will oversee and support use of common core principles and best practices for ensuring the health and integrity of state permitting programs.
- Encourage and support use of Next Generation of Compliance tools and principles, as appropriate, in the RCRA permitting program.
- The EPA also will implement relevant activities contained in the 2012-2014 Environmental Justice Work Plan including the continued analyses of the applicability of EJSCREEN for the RCRA permitting program and supporting of Environmental Justice in Permitting Workgroup. In addition, ORCR will support planning of the 2020 Environmental Justice Work Plan.
- ORCR will work with regions through the ‘communities of practice’ to test, evaluate, and refine draft tools for incorporating EJ considerations into EPA-issued permits and ensure opportunities for meaningful public involvement.
- In FY 2016, ORCR will work with regions and states to implement the guidance entitled *Extending, Shortening or Ending the Post Closure Care Period for Hazardous Waste Disposal Facilities Under Subtitle C of RCRA*, including providing public information about the guidance, identifying facilities where the post closure care period needs to be reconsidered, and sharing results concerning site-specific approaches and decisions.
- ORCR will oversee and support progress toward the national goal of issuing 750 approvals (e.g., permits) by FY2018 for PCB cleanup and disposal activities. These approvals are issued by all regions and by ORCR.
- ORCR will continue to issue PCB approvals that are designated by regulations under 40 CFR Part 761 to be issued by the EPA headquarters (e.g., for mobile PCB treatment units operating in more than one region).

- ORCR is developing a national database that will track when and how many TSCA PCB cleanup and disposal approval requests are submitted to the EPA and approvals are issued by the EPA. The system should be operational by FY 2016 and headquarters requests that regions enter the appropriate data. This database will be used to house approval information and this data will be used to track and report progress towards the PCB approval GPRA goal.
- The EPA's main tribal solid waste priority, intended to address the most pressing waste-related environmental issues in Indian country, is the promotion of sustainable tribal waste management programs through the development and implementation of Integrated Waste Management Plans (IWMPs). The implementing guidance, *EPA Agency-Wide Plan to Provide Solid Waste Management Capacity Assistance to Tribes* (the Plan) discusses this priority in detail and provides direction to meeting agency goals.
- During FYs 2016 and 2017, the EPA will continue to implement the action items contained in the Plan, which includes the development and implementation of a new GPRA performance measure tracking tribal waste management program capacity improvement.
- The EPA will invest additional resources supporting a collaborative partnership between federal agencies through open dialogue to address waste management issues in Indian country.
- Headquarters will provide technical assistance and training in the implementation of the *Waste Analysis at Facilities that Generate, Treat, Store and Dispose of Hazardous Waste: A Guidance Manual* (also known as the Waste Analysis Plan [WAP] Guidance). Training will focus on writing more effective WAPs, drafting more comprehensive permits, evaluating submitted WAPs, and determining whether a facility is in compliance with their WAPs.

Regions should:

- Continue to update and implement multi-year strategies to meet the annual goal of 115 additional waste facilities under initial or updated approved controls and the FY 2018 strategic goal of 500 additional facilities.
- Update assessments of what is needed for each facility to achieve approved controls and make corresponding changes as to when each facility is projected to achieve approved controls.
- Continue to ensure that regions and states are making progress towards decreasing the backlog of renewals and getting interim status operating facilities under approved controls.
- Ensure data in RCRAInfo reports reflect accurate information, including reporting of newly mandatory permit modification data.
- Implement the EJ Regional Implementation Plan for EPA-issued permits.
- Incorporate EJ considerations into permits issued by regional offices using draft tools, assist in evaluating and refining draft tools, and provide opportunities for meaningful public involvement in accordance with Regional Implementation Plans.
- Continue to issue approvals for PCB storage, treatment and disposal, as required under 40 CFR Part 761.

- Continue to report achievements towards the PCB GPRA goal of issuing 750 approvals for PCB cleanup and disposal activity by FY 2018. When the national database is completed, ensure data in the national database is entered and reflects accurate information.
- Continue to provide technical assistance to tribes that are developing and implementing their IWMP.
- Adopt use of Next Generation of Compliance tools and principles in the RCRA permitting program, as appropriate.
- Work with facilities during the permit renewal process to ensure the effectiveness of their on-site security plans in preventing unauthorized access to the site and to hazardous materials.
- Work with facilities, states and tribes to add climate change adoptions to permits when needed to update the controls in place for expected climate change impacts.
- The regions will continue to process new and backlogged delisting petitions from regulated facilities. In addition, the regions will undertake and complete an update of the DRAS computer model which is an essential tool and will be made into a web-based tool.

Measures: The ACS measures supporting this program are PC1, PC3, HW0 and TR1 and can be found on pages 1 and 2 of the attached measures appendix.

CLEANING UP CONTAMINATED SITES AND PROMOTING REUSE

Description: The RCRA corrective action and TSCA polychlorinated biphenyl (PCB) programs are responsible for overseeing and managing facility cleanups that protect human health and the environment. The EPA and its partners continue to encourage and facilitate the safe reuse of RCRA corrective action sites, a vital goal of cleanups. Under the RCRA corrective action program, the EPA's aspirational goal is to achieve 95 percent completion for three strategic goals by the end of FY 2020 and to reach specific percentages for them by FY 2016 (Please see attached measures appendix for associated FY 2016 ACS measures and targets)

Activities:

Headquarters and regions

- In FY 2015, and as needed in FYs 2016 and 2017, the EPA will implement changes to targets, workload, and/or resources. The EPA will assess long-term program direction in a continuing response to both the FY2013 workload analysis and the implementation of efficiency tools developed under Lean (the Corrective Action RFI and CMS processes). ORCR will continue to provide guidance and assistance to regions and states for implementing these tools. To assist with achieving the FY 2016 corrective action goals, the National Enforcement Strategy for Corrective Action (NESCA) was developed to provide a framework for strategically using enforcement, where needed.⁸
- States and regions should continue to document and report when corrective action sites meet the "Ready for Anticipated Use" RAU milestone - which means they are protective for human health for the next anticipated use, and any required institutional controls are implemented. National progress of facilities meeting the RAU milestone is tracked as an agency Key Performance Indicator.
- Headquarters and regions will continue the use of 40 CFR 761.61(c) and 761.62(c) risk-based cleanups and disposals to address large, complex, and challenging sites. The use of risk-based approaches facilitate the coordination of PCB cleanups with RCRA and Superfund cleanups and decision-making. Risk-based approaches also allow for better coordination and work sharing with state cleanup programs, where feasible.
- Headquarters and regions will coordinate TSCA PCB cleanups with other cleanup programs. In addition to formal and informal work sharing, the coordinated approval (under 761.77) is a viable option that headquarters encourages regions to consider when appropriate.
- ORCR will continue to work to clarify the approach for determining the regulatory status of PCB sediments in order to remove impediments to and reduce costs of PCB cleanups under Superfund and other regulatory programs.

⁸ The National Enforcement Strategy for Corrective Action can be found at <http://www2.epa.gov/sites/production/files/documents/nescs-strategy-mem.pdf>

- Headquarters and regions will continue to report achievements towards the PCB GPRA goal of issuing 750 approvals for PCB cleanup and disposal activity by FY 2018.
- ORCR will continue to provide guidance and assistance to regions and states for implementing the efficiency tools developed for the Corrective Action RFI and CMS processes using the Lean process.
- Regions will continue to explore how these tools can be integrated into state-led corrective action cleanups to maximize progress towards programmatic goals.
- ORCR will continue to provide opportunities to communities under the Technical Assistance Services for Communities (TASC) program. During FY 2015, and as needed in FYs 2016 and 2017, the EPA will assess the need to modify current corrective action program guidance as it relates to enhancements made during FY 2013 by the Community Engagement Initiative. Also during FYs 2016 and 2017, regions will be encouraged to utilize the guide on "Tailoring Community Engagement Activities at RCRA Corrective Action Sites" that is currently under development.
- Regional and headquarters programs will implement specific actions under OSWER's Climate Change Adaptation Plan to more fully integrate climate change adaptation planning into its core programs.
- Regions will continue to issue PCB cleanup approvals as required under 40 CFR Part 761.
- Regions and states can use EJ Screen to assist with determining whether or not a facility is within a community with potential environmental justice (EJ) concerns and if those communities need additional outreach.

Measures: The ACS measures supporting this program are CA1, CA2, CA5, CA6 [appendix 1, page 3], PC1 and PC3 [appendix 1, page 1] of the attached measures appendix.

PROTECTING COMMUNITIES THROUGH RCRA REGULATORY AND GUIDANCE ACTIONS

Description: Although the EPA has a comprehensive regulatory framework in place to prevent exposures to contaminants from municipal solid waste (MSW) and hazardous wastes, and is constantly working to keep that framework current, there are always new areas of concern or potential concern that need to be assessed. New technologies, such as nanotechnology or biotechnology, and new organic and inorganic chemicals have emerged and present additional challenges to the RCRA program. The RCRA regulations also provide a structure to safely manage the additional, and often more concentrated, pollutants being removed from our air and water by current advances in environmental pollution controls. Thus, there are potential gaps in the RCRA regulations that could impact the level of protection they provide. Some of these gaps are identified through petitions for regulatory amendments.

In FYs 2016 and 2017, the EPA will implement key rules and guidances to advance RCRA's environmental objectives. Such rules include the Definition of Solid Waste (DSW), the Non-Hazardous Secondary Materials (NHSM), the Coal Combustion Residuals Disposal, and the vapor intrusion guidance, and will continue to develop the CERCLA section 108(b) Financial Responsibility rulemaking. ORCR will continue to coordinate with other headquarters offices (e.g. OECA and OGC). Regions also have an important role in the development and implementation of rules and guidances.

Activities:

Headquarters, regions and states

- Regions and states should provide comments during the rule and guidance development process, which reflects insights developed through their implementation experience.
- Regions and states can provide insight into possible future implementation issues and to ensure rules can be implemented effectively and guidance followed when appropriate.
- The EPA will continue to explore and document methods for engaging communities during the regulation and guidance development process.
- Regions should provide direct rule implementation if that authority is granted by the rulemaking.
- After rule promulgation, regions should provide technical assistance to both state implementers and the regulated community, including direct assistance and training. Headquarters will supplement these efforts and provide national direction.
- Regions should work closely with our state partners to ensure rules are appropriately implemented by states.
- During the state authorization process for rules promulgated under RCRA, regions should raise technical and authorization process issues to headquarters for a prompt response.

- Headquarters will track children's environmental health language and analyses in regulations with implications for human health effects.
- As a part of its work planning process, OSWER will integrate EJ principles into its programmatic and regional decision-making through the use of rulemaking, policy, screening and legal tools.

Details on Rules being Developed or Implemented:

Coal Combustion Residuals (CCR) Disposal Rule

- In FY 2015, OSWER finalized a rule to regulate the disposal of CCRs (meeting the consent decree deadline for rule signature of 12/19/2014). OSWER anticipates extensive outreach and interaction with states on implementing the final rule in FY 2015 and FY 2016.
- In addition, the EPA anticipates that states will revise their Solid Waste Management Plans (SWMPs) to demonstrate how CCRs will be regulated in their states. Once the EPA has approved a SWMP that incorporates or goes beyond the minimum federal requirements, the EPA expects that facilities in that state will operate in compliance with that plan and the applicable state regulations. The EPA will work closely with states on implementation issues, including reviewing SWMPs that are submitted to EPA. The EPA does not issue permits in these circumstances.

Cathode Ray Tubes (CRTs)

- OSWER will continue to implement CRT final rule and outreach and communications plan. At this time, OSWER anticipates little ongoing activity directly related to the CRT rule in FY 2017.
- However, the EPA expects to continue addressing stakeholders on the CRT stockpile issue (i.e., the illegal over-accumulation of used CRTs due to real or perceived obstacles to recycling) in FY 2016. This includes helping the regulated community to better comply with the RCRA requirements, speaking at multiple stakeholder meetings, and other engagements to identify root causes and help identify next steps. Activities in FY 2017 will be contingent upon next steps identified in FY 2016.

Finalize and Implement the Non-Hazardous Secondary Material (NHSM) Rule

- In FY 2016, OSWER will conduct implementation and outreach activities (webinars, etc.) for the final rule. In FY 2015, OSWER will issue the final rule identifying whether or not specific materials should be identified as non-hazardous secondary materials (NHSM) and if so, under what conditions. These materials include construction and demolition wood, paper recycling residuals, and creosote-treated railroad ties (and railroad ties dual treated with creosote and borate).
- Also in FY 2015, OSWER will issue a proposed rule in response to a petition from the Treated Wood Council requesting that the EPA identify certain treated wood as NHSM. OSWER anticipates finalizing that rule in FY 2016, with similar outreach extending into early FY 2017.

- The NHSM regulations promulgated in 2013 initially defined which non-hazardous secondary materials are not considered solid waste when used in combustion units as fuel or ingredients (and thus are subject to the Clean Air Act (CAA) Section 112 emissions standards versus Section 129 standards), and, established provisions that allow the regulated community to petition the EPA to categorically exclude additional material. The agency may continue to receive petitions in FY 2016 and FY 2017. The EPA will need to evaluate and act upon these petitions.

Implement the Definition of Solid Waste (DSW) Rule

- The final Definition of Solid Waste rule is expected to be published in FY 2015. Following rule finalization, we will focus our efforts on the implementation of the rule in FY 2016, through the use of webinars, outreach and other means. OSWER expects significant interactions with states in FY 2016 as they adopt the revisions and seek guidance on implementing the final rule. Beginning in FY 2016 and continuing in FY 2017, OSWER anticipates working with states on additional activities designed to improve hazardous secondary material recycling, such as evaluations of scrap metal and empty container recycling.
- The DSW rule identifies which hazardous secondary materials are not considered solid waste when recycled, provided they meet certain conditions, and thus are not subject to full Subtitle C regulation. We expect to include in the DSW rule a non-waste determination petition process when a material has not been discarded and is legitimately used in continuous industrial process or is legitimately reclaimed and is indistinguishable in all relevant aspects from a product or intermediate product.

Hazardous Waste Generator Improvements Proposed Rule

- OSWER plans to publish the Hazardous Waste Generator Improvements proposal in FY 2015, and anticipates significant interest from the states and regions during development of the final rule, which the agency expects to publish in FY 2016; significant implementation efforts (outreach, webinars, etc.) will extend into FY 2017.
- States will likely have a positive response to the proposed rule, as they have had a significant role in implementing the RCRA program and in identifying many of the changes included in the agency's proposal.
- This proposed rule, when finalized, will provide a much needed face lift to the regulations in order to keep pace with the needs of today's regulated community. For example, the rule updates the RCRA emergency preparedness and response regulations to match current emergency response infrastructure, eases understanding of the regulations by updating the biennial reporting and hazardous waste determination provisions and proposes to reorganize the regulations to make it easier for the regulated community to find applicable regulations and to reduce onerous cross-referencing.

Hazardous Pharmaceuticals Management Proposed Rule

- OSWER plans to publish the Hazardous Pharmaceuticals Management proposal in FY 2015, with a final rule expected in FY 2016; significant implementation efforts (outreach, webinars, etc.) will extend into FY 2017.
- The proposed rule is responsive to state comments on the 2008 Universal Waste proposal, and many states have been awaiting EPA action before deciding how to proceed in modifying their own programs. The proposed rule also incorporates some of the practices that some states have been advocating either through guidance or enforcement actions.
- The Pharmaceuticals proposed rule includes tailored RCRA regulations for pharmaceuticals that are hazardous waste when disposed, to address the unique challenges faced by generators of pharmaceuticals. These challenges include the difficulty in complying with existing RCRA requirements more suited to industrial wastes and less to retailers and healthcare facilities. Many states and retailers are seeking action by the EPA to create regulatory clarity and national consistency.

Import/Export Revisions Proposed Rule

- This proposed rule, which (when final) will revise the RCRA hazardous waste import/export requirements, is anticipated to be proposed in FY 2015, and issued final in FY 2016. OSWER anticipates interactions, particularly with the EPA regional offices, in FY 2016 and possibly into FY 2017.
- The purpose of these revisions are to reduce complexity of export and import procedures and to increase clarity and efficiency of import and export processes. In addition, these revisions will improve control of individual export and import shipments to ensure shipments are: 1) going to the destination facilities approved by the country of import (for exports) or U.S. EPA (for imports); 2) being recycled or disposed per the notice and consent, and 3) being recycled or disposed in a timely manner. Finally, issuing this rule will comply with Executive Order 13659 on Streamlining the Export/Import Process and to implement the International Trade Data System (ITDS).

CERCLA Section 108(b) Financial Responsibility

- Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements.
- The agency has identified classes of facilities within the Hard Rock mining industry as those for which financial responsibility requirements will be first developed. The EPA intends to include requirements for financial responsibility, and for notification and implementation.
- Under this effort, the EPA intends to publish a proposed rule by August, 2016.
- The EPA expects to begin mandatory engagement with small businesses under the Small Business Regulatory Enforcement Fairness Act (SBREFA) in mid-2015, with approximately concurrent processes for engagement with states and tribes.

- Following publication of the proposal, we expect to evaluate the comments we receive, and begin development of a final rule.

UNDERGROUND STORAGE TANK PROGRAM

Description: The Underground Storage Tank (UST) program protects communities and the people living and working near UST sites as well as land and groundwater resources from contamination caused by releases of regulated substances (typically petroleum-based motor fuels and their additives) from leaking USTs (LUSTs). The prevention program focuses on bringing all UST systems into compliance with release detection and release prevention requirements and implementing the provisions of the Energy Policy Act (EPAAct). The cleanup program focuses on assessment and remediation of petroleum releases from LUSTs.

Activities: Prevention

- States will conduct inspections to ensure regulated entities comply with release detection, leak prevention, and financial responsibility requirements. The EPAAct requires all regulated facilities to be inspected at least once every three years.
- Regions will work closely with states to oversee compliance with the provisions of EPAAct. Because the EPA anticipates that several states will struggle to remain in compliance with the inspection provision of the EPAAct, the regional role in working with the states and coordinating with OUST is amplified.
- Regions will maintain the 3 year inspection mandate in Indian country, and assist states, as needed.
- States and regions conducting inspections will utilize the EPA or state guidance to evaluate compatibility in systems storing higher blends of emerging fuels (such as ethanol, biodiesel, and ultra-low sulfur diesel).
- States will actively implement EPAAct requirements in FYs 2016-2017, such as operator training, prohibiting delivery for non-complying facilities, posting public records, and ensuring secondary containment or financial responsibility for tank manufacturers and installers.
- States and regions will take appropriate enforcement on violations, including implementation of Delivery Prohibition and utilization of expedited enforcement, as applicable. (Regions should refer to the OECA NPMG for further guidance on enforcement priorities and commitments for regional UST programs.)
- States will work toward implementation of the provisions of the revised UST regulations (which should be finalized in FY 2015), including taking appropriate steps to adopt new regulations, applying for state program approval, and updating MOAs. Regions will implement the new regulations in Indian country.
- Regions will work with tribes to build capacity and provide compliance assistance for programs in Indian country.
- Headquarters and regions will implement specific actions under OSWER's Climate Change Adaptation Plan to more fully integrate climate change adaptation planning into core programs. The EPA is working with state UST programs to develop tools and checklist that states could use to prepare for and respond to severe weather. Once finalized, states should consider these tools

when preparing to address anticipated damage by hurricanes and other weather events, which can damage remediation equipment, and modify subsurface conditions.

Activities: Cleanup

- States will manage, oversee and enforce assessments and cleanups at LUST release sites.
- States and the EPA will work to implement strategies to reduce their LUST backlogs, such as increasing the efficiency of cleanups, examining existing remediation policies, leveraging private and state resources and enabling community redevelopment. Because each state's backlog is unique, regions will work with states to pursue state-specific backlog reduction strategies.
- The EPA will partner with states to develop tools and training on subjects that will help move all sites forward toward cleanup, such as, ability to pay analysis, and responsible party searches and other topics states believe will be helpful.
- Regions will conduct assessments and cleanups in Indian country, implementing strategies to increase the efficiency of cleanups, rigorously evaluating optimization of cleanup approaches, leveraging private and other federal resources and enabling community redevelopment.
- States and regions will conduct annual reviews of all active state funds to ensure that funding is available for cleanups, when needed.
- States and the EPA will promote the reuse of petroleum brownfields, look for opportunities to partner with local implementers to engage communities, identify cleanup corridors, and/or bring stakeholders and partners to the table to clean up and redevelop sites.
- States and regions will take enforcement action to spur cleanup, as necessary.
- States and regions will implement the new Petroleum Vapor Intrusion Guidance (once finalized) as appropriate when assessing vapor intrusion at LUST sites.

Activities: Program Management and Operations

- OUST is working with regions and states to update LUST Trust Fund guidance to clarify how they can factor environmental justice considerations into LUST Trust Fund site decisions. Once finalized, states and regions will look to that guidance in considering environmental justice concerns of communities disproportionately impacted by environmental issues when prioritizing work and making decisions, and will appropriately involve communities in actions and decisions that affect them. See *Guidelines For Tailoring Community Engagement Activities To Circumstances At Leaking Underground Storage Tanks Sites*.
<http://www.epa.gov/oust/communityengagement/tailoring.pdf>
- OUST plans to use EJSCREEN to compare locational data for LUST cleanup sites in Indian country. A review of any resulting data along with other known information about the sites will determine the next steps. Initial review will start with a sample size, as there are approximately 300 sites in the backlog.

- Regions when making decisions that may affect tribes and Indian country and when taking action in Indian country shall consult with those tribes under the May 2011 *EPA Policy on Consultation and Coordination with Indian Tribes*.
- Regions are responsible for negotiating the terms and amounts of assistance agreements with states and tribes. Regions will ensure that STAG, EPM, LUST Prevention and LUST cleanup funds are used for appropriate purposes, and are committed, obligated and spent efficiently and promptly.
- Regions will effectively manage and oversee state/tribal grants to implement the applicable prevention and cleanup provisions described above.
- States will QA/QC semiannual performance results and report required data in a timely manner.
- Regions will verify the accuracy and completeness of data provided by states, following the verification guidance provided by OUST, and will work with states to improve their data quality and systems, where appropriate.

Details on Rules being Developed or Implemented:

Finalize Revisions to the Underground Storage Tank (UST) Rule

- The 1988 UST rule focused primarily on preventing releases into the environment from gas stations and other facilities.
- With the passage of the Energy Policy Act of 2005, the UST community recognized the need to revise the 1988 regulations to: incorporate changes from the Energy Policy Act of 2005, update outdated portions of the regulations due to changes in technology and to focus on the critical elements of proper operations and maintenance of these systems. This effort also allowed the EPA to ensure environmental equity in Indian country by these same provisions on tribal lands. The proposed rule was issued for public comment in the fall of 2011.
- Assuming that the rule is finalized in early 2015, we will focus our efforts on the implementation of the rule.

Finalize Vapor Intrusion Technical Guides

- The EPA regions, states, local governments, and other stakeholders have expressed a need to finalize this guidance.
- Two guides are being prepared, one for petroleum releases from underground storage tanks and one for the rest of the universe of contaminated sites addressed by federal statutes.
- Both guides reflect and systematize current practices, which have evolved over the past 15 years, to foster national consistency in addressing vapor intrusion.

Measures: The ACS measures supporting this program are ST1, ST6, 111, 112 and 113. These measures can be found on page 1-2 of the attached measures appendix.

TRIBAL PROGRAM DEVELOPMENT

Description: OSWER is committed to ensuring the protection of human health and the environment in Indian country while supporting tribal self-government, acting consistently with the federal trust responsibility, and strengthening the government-to-government relationships between tribes and the EPA. OSWER supports tribal governments through capacity building, technical and financial assistance, research, and outreach and direct implementation.

OSWER intends to continue focus on the key areas listed below to help improve tribal program development and performance. These areas are in addition to program-specific activities related to tribes listed throughout OSWER's NPM guidance.

Activities:

Headquarters, regions and tribes

- Promote actions that enable tribes to develop Integrated Waste Management Plans, build capacity to demonstrate program readiness using the proposed GPRA measure to track improvements through tribal program capacity assistance, and implement sustainable waste management programs while supporting tribal community engagement efforts across OSWER.
- Ensure that Executive Order 13175 on Consultation with Indian Tribal Governments and the EPA Policy on Consultation and Coordination with Indian Tribes (May 2011 Consultation Policy) are appropriately applied to OSWER actions or decisions. In April and October of 2015, finalize the OSWER Tribal Consultation Semi-annual Agenda.
- Develop new technologies, opportunities, and technical assistance for tribal outreach and mining impacts on tribal lands.
- Continue a collaborative partnership between federal agencies through open dialogue to address waste management issues in Indian country.

Headquarters and tribes

- Support tribes through the OSWER cooperative agreements which fund activities such as the Tribal Lands and Environmental Forum, the Tribal Waste and Response Assistance Program, National Tribal Steering Committee and the Tribal Superfund Working Group.

Measures: ACS measure TR1 supporting this program area can be found on page 2 of the attached measures appendix. The agency will work collaboratively to begin development on a new tribal performance measure. The measure is expected to be tied to Integrated Waste Management Plans.

ENVIRONMENTAL JUSTICE

Description: Environmental Justice (EJ), or promoting healthy and environmentally sound conditions for all people, is a priority throughout all of OSWER's programs. By integrating EJ into its programs, OSWER seeks to mobilize resources to address the needs of disproportionately overburdened and underserved communities. OSWER's work supports the agency's strategies for Making a Visible Difference in Communities and is based in Goal 3, Objective 1 of the FY 2014-2018 EPA Strategic Plan⁹: Promote Sustainable and Livable Communities. OSWER supports cross-agency coordination by working with other NPMs and the EPA regions to better facilitate the creation of healthy and sustainable communities. In many instances, children living in communities with environmental justice concerns are the most vulnerable to pollutants or contaminants, and in recognition of that, OSWER will consider impacts on children in its activities associated with making a visible difference in communities.

To facilitate the continued integration of EJ into its programs, OSWER will undertake the activities below.

Activities:

Headquarters and regions

- As a part of its work planning process, OSWER will integrate EJ principles into its programmatic and regional decision-making through the use of rulemaking, policy, screening and legal tools.
- The OSWER EJ and tribal programs will coordinate and collaborate with the American Indian Environmental Office's workgroup on implementing the EJ Policy for Tribes and Indigenous People. By integrating EJ principles in a consistent manner in the agency's work throughout Indian country, this partnership will protect the health and environment of federally recognized tribes, indigenous people and others living in Indian country.
- Strengthen the use of the EJ Legal Tools in every OSWER program office. Every office will undertake activities that identify the relevant authority and describe how the office will improve the awareness, behavior and environmental conditions on the ground to make a visible difference in communities.
- OSWER will work with the EPA regional offices, state and local governments and tribes to ensure they are aware of the public release of the EJSCREEN tool and available opportunities to learn more about the tool.
- Strengthen the use of scientific and technical processes and policies to help address environmental and health inequities among overburdened and underserved communities by identifying impacts from stressors that burden these communities.
- Through the Community Engagement Initiative (CEI), OSWER will expand community engagement approaches which allow low income, minority, overburdened and underserved communities to meaningfully participate in

⁹ The FY 2014-2018 EPA Strategic Plan can be found at the following website:
<http://www2.epa.gov/planandbudget/strategicplan>

decisions on land cleanup, management of hazardous substances, and emergency preparedness and response activities.

- OSWER will enhance the use of a continual learning process by offering a quarterly and semi-annual Office Directors' EJ Learning Series and will facilitate internal EJ training to help OSWER headquarters and regional staff better serve communities.
- Through OSWER partnerships with tribal and state governments, building alliances and leveraging resources to help address local environmental concerns in overburdened and underserved communities.
- OSWER will support the agency's Community Action Plan with staff and resource investments. Goals and milestones for implementation established in FY2015 will be completed during FYs 2016 and 2017.